

**Accessory Rural Home Business Office [Less Rigorous]****(h) *Accessory Rural Home Business Office.***

**Purpose and Intent:** The accessory rural home business office is intended to meet the changing needs of the American economy, wherein low-cost business start-ups for small and micro office-based businesses, not requiring significant physical office space or a location of convenient accessibility, nor dependent upon visitation from clientele, may be established within or as an adjunct to the office proprietor's principal residence, so long as the conduct of associated activities does not adversely impact other uses, particularly residential or agricultural uses, located in the immediate area. The large lots and remote settings typically provided by the zoning districts in which accessory rural home business offices are allowed provide significantly greater potential to achieve compatibility with adjacent properties, in comparison to the more urban districts. The application of the design and use standards set out herein are intended to further this potential.

**General:** In addition to the establishment of a business office as a home occupation pursuant to Section 10-1103(e), within the Rural, Urban Fringe, and Lake Talquin Recreation/Urban Fringe Zoning Districts, an accessory rural home business office may be allowed as an accessory use to a single-family residential unit, subject to the following restrictions:

- (1) No more than one person not living in the on-site residential unit shall be employed or otherwise engaged in the office use being operated on the property.
- (2) The use of the property for office use shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The total area used for the office business, including storage, whether inside the dwelling or in a separate building on the premises, shall not exceed that of the dwelling unit, or 1385 square feet, whichever is less. Floor area of garages, carports, porches and spaces without HVAC shall not be included in the calculation of the total floor area of the enclosed living area of the dwelling unit.
- (3) An accessory rural home business office, when located within a structure other than the principal residential dwelling, shall only be established on parcels of property of no less than 2 acres size. This requirement may be reduced if less if a smaller minimum site size is approved in writing by all abutting property owners, prior to consideration by the Board or if documentation is provided that the abutting property has been approved for and is being used as an accessory rural home business office.

[Editor's note: many communities that allow such uses require larger lot sizes, based upon the theory that the larger parcel provides the opportunity to physically remove the office use from adjacent properties and therefore, associated activities will be less likely to impact these properties. As an example, Durham, NC, requires a minimum of 10 acres for this type of use.]

- (4) No more than one accessory rural home business office may be established on the property, whether enclosed within the principal residential dwelling or in another building, nor shall any parcel of property be further divided into additional parcels for the purpose of establishing an additional accessory rural home business offices.
- (5) No accessory rural home business office may be established on the same property as a home occupation established pursuant to Section 10-1103(e), nor shall any home occupation established pursuant to Section 10-1103(e), be established on the same property as an accessory rural home business office.
- (6) Except for parking, the home office use shall be conducted entirely within the building that is used as the principal residential dwelling, or within another structure located on the property. When home office use is established within a structure other than the principal residential dwelling, the following minimum setback requirements shall apply:
  - a) the lesser of 100 feet from the front property line or the distance that the principal residential dwelling is set back from this property line;
  - b) 65 feet from the side property line;
  - c) the lesser of 65 feet from the rear property line or the distance that the principal residential dwelling is set back from this property line;
  - d) the setback distances set out in b) and c) above may be reduced as follows:
    1. the required setback may be reduced by 10 feet when a Type A buffer is provided along the affected property line;
    2. the required setback may be reduced by 25 feet when a Type B buffer is provided along the affected property line;
    3. the required setback may be reduced by 40 feet when a type C buffer is provided along the affected property line;
    4. the required setback may be reduced by an additional 10 feet when a buffer zone is augmented by installation of an 8-foot height wooden fence; or,
    5. the required setback may be reduced if less of a setback is approved in writing by the adjacent property owner, prior to consideration by the Board or if documentation is provided that the abutting property has been approved for and is being used as an accessory rural home business office.

[Editor's note: The fact that large lots in the rural area have the potential to physically isolate the use from neighbors is one of the principle reasons that this use could be appropriate in the rural area. The greater that setbacks are reduced, the less advantage the rural setting offers, and the more this concept will resemble allowing a free-standing office building to be inserted into a residential subdivision]

- (7) All parking associated with the accessory rural home business office shall be located no less than 65 feet from the nearest property boundary and within an enclosed garage or on the driveway associated with the dwelling unit. The accessory rural home business office shall be required to use those existing driveways serving the principal residential use on the property; further, no new driveway access may be constructed for the sole purpose of serving the accessory rural home business office.
- (8) In the event the accessory rural home business office abuts a residential property, noise sources on the property shall not exceed an L10 noise level of 60 dBA during the period of 7 am to 10 pm nor 50 dBA during the period of 10 pm to 7 am as measured at boundary with any abutting property.
- (9) Nighttime lighting shall not exceed 0.5 vertical surface foot candle measured at a height of 6 feet at the boundary with any abutting property. Lighting standards shall not exceed 12 feet in height and shall have recessed bulbs and filters which conceal the source of illumination. No wall- or roof-mounted flood or spot lights may be used as general grounds lighting.
- (10) Storage of all materials, including equipment, relating to the accessory rural home business office, shall be contained entirely within a completely enclosed structure. Storage of materials must comply with the rules and regulations promulgated by the state fire marshal.
- (11) No business activities may be conducted on site that involve visitation by customers, clients, or the general public.
- (12) No merchandise or articles for sale shall be displayed for advertising purposes, and no sign or other evidence of the conduct of business shall be visible on the property. If any vehicle is used in the conduct of accessory rural home business office, any identification and advertising signs on the vehicles must be removed or covered while such vehicles are parked on the premises.
- (13) Deliveries of office supplies or other materials by other than those residing on the premises and any other person employed or otherwise engaged in the office use shall be limited to a maximum of once per week.
- (14) No activity shall be conducted nor any equipment or process shall be used which constitutes a health hazard, causes air or water pollution, or creates noise, vibration, glare, fumes, odors or electrical interference detectable to the senses off the premises. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
- (15) No more than one motor vehicle used in the conduct of the accessory rural home business office may be kept on the premises at any one time.
- (16) No business shall be allowed that requires the owner of that business:
  - a. To report, collect, or pay any state or federal excise tax with respect to the sale of any tangible personal property at or from the property; or

- b. To hold any state or federal license or permit authorizing the possession, sale, or use of any alcoholic beverages, tobacco products, or hydrocarbon-based fuel products shall be allowable as a office business pursuant to this section.
- (17) Review for accessory rural home business office units not located within the principal on-site residential unit. Growth and Environmental Management staff review is required to ensure that the establishment of accessory home business office units comply with applicable regulations in the Land Development Code, including, but not limited to compliance with the standards set out in this section, environmental protection, and stormwater management.
- a. Applications for the establishment of private home bed and breakfast inns, in the form of shall be filed with the Department of Growth and Environmental Management accompanied by a fee of \$600.00, for the purposes of notification.
  - b. The application shall include an affidavit from the owner of the property attesting to their intent and commitment to maintain, as the principal use on the property, residential use, and limit the accessory rural home business office use as established in this section, and that further, notwithstanding any expansion, however such expansion shall require separate approval pursuant to this section; and acknowledging that violation of the standards set out herein governing accessory rural home business office units shall result in the forfeiture of the right to continue this use on the property and that the owner shall be subject those fines as may be determined applicable by the County.
  - c. Within 15 days of receipt of the application, the director of the department of Growth and Environmental Management shall make a recommendation to the Board to approve, approve with conditions, or deny the application.
  - d. The Board of County Commissioners shall consider the application at a public hearing. Notice of the public hearing shall be provided at least ten days in advance of the meeting through publication in a newspaper of general circulation. The Board shall take final action on the application following the public hearing; this action shall be to approve, approve with conditions, or deny the application.

In rendering its determination, the Board shall consider whether the accessory rural home business office, as proposed, would be likely to adversely impact upon adjacent properties. The Board may also consider but shall not be obligated to enforce any private

covenants, deed restrictions, and agreements, brought to its attention through public testimony.

- e. Appeals of the Board of County Commissioner's decision regarding final decision on any accessory rural home business office shall be subject to cert review through the process set out in... \_\_\_\_\_

**Accessory Rural Home Business Office [More Rigorous]****(h) *Accessory Rural Home Business Office.***

**Purpose and Intent:** The accessory rural home business office is intended to meet the changing needs of the American economy, wherein low-cost business start-ups for small and micro office-based businesses, not requiring significant physical office space or a location of convenient accessibility, nor dependent upon visitation from clientele, may be established within or as an adjunct to the office proprietor's principal residence, so long as the conduct of associated activities does not adversely impact other uses, particularly residential or agricultural uses, located in the immediate area. The large lots and remote settings typically provided by the zoning districts in which accessory rural home business offices are allowed provide significantly greater potential to achieve compatibility with adjacent properties, in comparison to the more urban districts. The application of the design and use standards set out herein are intended to further this potential.

**General:** In addition to the establishment of a business office as a home occupation pursuant to Section 10-1103(e), within the Rural, Urban Fringe, and Lake Talquin Recreation/Urban Fringe Zoning Districts, an accessory rural home business office may be allowed as an accessory use to a single-family residential unit, subject to the following restrictions:

- (1) No more than one person not living in the on-site residential unit shall be employed or otherwise engaged in the office use being operated on the property.
- (2) The use of the property for office use shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The total area used for the office business, including storage, whether inside the dwelling or in a separate building on the premises, shall not exceed that of the dwelling unit, or 1000 square feet, whichever is less. Floor area of garages, carports, porches and spaces without HVAC shall not be included in the calculation of the total floor area of the enclosed living area of the dwelling unit.
- (3) An accessory rural home business office, when located within a structure other than the principal residential dwelling, shall only be established on parcels of property of no less than 5 acres size. This requirement may be reduced if less if a smaller minimum site size is approved in writing by all abutting property owners, prior to consideration by the Board or if documentation is provided that the abutting property has been approved for and is being used as an accessory rural home business office.

- (4) No more than one accessory rural home business office may be established on the property, whether enclosed within the principal residential dwelling or in another building nor shall any parcel of property be further divided into additional parcels for the purpose of establishing an additional accessory rural home business offices.
- (5) No accessory rural home business office may be established on the same property as a home occupation established pursuant to Section 10-1103(e), nor shall any home occupation established pursuant to Section 10-1103(e), be established on the same property as an accessory rural home business office.
- (6) Except for parking, the home office use shall be conducted entirely within the building that is used as the principal residential dwelling, or within another structure located on the property. When home office use is established within a structure other than the principal residential dwelling, the following minimum additional requirements shall apply:
  - a) The home office use shall be setback no less than 100 feet from all property lines;
  - b) The setback distance from a particular property boundary may be reduced by 25 feet if a minimum of a Type C buffer is used to screen the use and reduce the setback.
  - c) The setback distance from a particular property boundary may be reduced if less of a setback is approved in writing by the adjacent property owner, prior to consideration by the Board or if documentation is provided that the abutting property has been approved for and is being used as an accessory rural home business office; and,
  - d) The home office use shall not be visible from all public rights-of-way.
- (7) All parking associated with the accessory rural home business office shall be located no less than 65 feet from the nearest property boundary and within an enclosed garage or on the driveway associated with the dwelling unit. The accessory rural home business office shall be required to use those existing driveways serving the principal residential use on the property; further, no new driveway access may be constructed for the sole purpose of serving the accessory rural home business office.
- (8) Noise sources on the property shall not exceed an L10 noise level of 60 dBA during the period of 7 am to 10 pm nor 50 dBA during the period of 10 pm to 7 am as measured at boundary with any abutting property.

[To protect farm animals, e.g., cattle and horses, noise protection is required around the clock; this standard could be expanded to apply all hours...this should not adversely affect a bona fide office use.]

- (9) Nighttime lighting shall not exceed 0.5 vertical surface foot candle measured at a height of 6 feet at the boundary with any abutting property. Lighting standards shall not exceed 12 feet in height and shall have recessed bulbs and filters which conceal the source of illumination. No wall- or roof-mounted flood or spot lights may be used as general grounds lighting.
- (10) Storage of all materials, including equipment, relating to the accessory rural home business office, shall be contained entirely within a completely enclosed structure. Storage of materials must comply with the rules and regulations promulgated by the state fire marshal.
- (11) No business activities may be conducted on site that involve visitation by customers, clients, or the general public.
- (12) No merchandise or articles for sale shall be displayed for advertising purposes, and no sign or other evidence of the conduct of business shall be visible on the property. If any vehicle is used in the conduct of accessory rural home business office, any identification and advertising signs on the vehicles must be removed or covered while such vehicles are parked on the premises.
- (13) Deliveries of office supplies or other materials by other than those residing on the premises and any other person employed or otherwise engaged in the office use shall be limited to a maximum of once per week.
- (14) No activity shall be conducted nor any equipment or process shall be used which constitutes a health hazard, causes air or water pollution, or creates noise, vibration, glare, fumes, odors or electrical interference detectable to the senses off the premises. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
- (15) No more than one motor vehicle used in the conduct of the accessory rural home business office may be kept on the premises at any one time.
- (16) No business shall be allowed that requires the owner of that business:
  - a. To report, collect, or pay any state or federal excise tax with respect to the sale of any tangible personal property at or from the property; or
  - b. To hold any state or federal license or permit authorizing the possession, sale, or use of any alcoholic beverages, tobacco products, or hydrocarbon-based fuel products shall be allowable as a office business pursuant to this section.
- (17) Review for accessory rural home business office units not located within the principal on-site residential unit. Growth and Environmental Management staff review is required to ensure that the establishment of accessory home business office units comply with applicable regulations in the Land Development Code, including, but not limited to compliance with the standards set out in this section, environmental protection, and stormwater management.



- a. Applications for the establishment of private home bed and breakfast inns, in the form of shall be filed with the Department of Growth and Environmental Management accompanied by a fee of \$600.00, for the purposes of notification.
- b. The application shall include an affidavit from the owner of the property attesting to their intent and commitment to maintain, as the principal use on the property, residential use, and limit the accessory rural home business office use as established in this section, and that further, notwithstanding any expansion, however such expansion shall require separate approval pursuant to this section; and acknowledging that violation of the standards set out herein governing accessory rural home business office units shall result in the forfeiture of the right to continue this use on the property and that the owner shall be subject those fines as may be determined applicable by the County.
- c. Within 15 days of receipt of the application, the director of the department of Growth and Environmental Management shall make a recommendation to the Board to approve, approve with conditions, or deny the application.
- d. The Board of County Commissioners shall consider the application at a public hearing. Notice of the public hearing shall be provided at least ten days in advance of the meeting through publication in a newspaper of general circulation. The Board shall take final action on the application following the public hearing; this action shall be to approve, approve with conditions, or deny the application.

In rendering its determination, the Board shall consider whether the accessory rural home business office, as proposed, would be likely to adversely impact upon adjacent properties. The Board may also consider but shall not be obligated to enforce any private covenants, deed restrictions, and agreements, brought to its attention through public testimony.

- c. Appeals of the Board of County Commissioner's decision regarding final decision on any accessory rural home business office shall be subject to cert review through the process set out in...\_\_\_\_\_